

FILED
MAY 12 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LINDA A. CASAZZA,
Plaintiff,
v.

No. C07-02859 MJJ

**ORDER GRANTING MOTION FOR
RELIEF UNDER FED. R. CIV. P. RULE
60(b)(1)**

MICHAEL J. ASTRUE,
Defendant.

On December 13, 2007 the Court denied Plaintiff Linda Casazza's ("Plaintiff") request to proceed *in forma pauperis*. The Court gave Plaintiff leave to file an amended *in forma pauperis* application, if any, within thirty days of the entry of the order. On January 18, 2008, the Court dismissed the case because Plaintiff did not file an amended application or pay the required filing fee. Shortly thereafter, Plaintiff paid the filing fee and filed this Motion for Relief Under Federal Rule of Civil Procedure 60(b)(1). (Docket No. 10.) Pursuant to Rule 60(b)(1), "the court may relieve a party or its legal representative from a final judgment, order, or proceeding . . . [for] mistake, inadvertence, surprise, or excusable neglect[.]" The Court, in its discretion, **GRANTS** Plaintiff's Motion. The Clerk of the Court is directed to re-open the file.

IT IS SO ORDERED.

Dated: May 12, 2008


SUSAN Y. ILLSTON
UNITED STATES DISTRICT JUDGE